

**49.58 Effect of death of certain candidates.**

1. If any candidate nominated by a political party, as defined in [section 43.2](#), for the office of senator or representative in the Congress of the United States, governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the eighty-first day and ending at the time the polls close on the day of the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the seventy-fourth day and ending at the time the polls close on the day of the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by [chapter 50](#). Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

2. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by [section 43.78](#) for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than 5:00 p.m. on the first Tuesday after the date of the general election. The name of any other candidate that did not appear on the general election ballot as a candidate for the office in question shall not be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

[C97, §1108; C24, 27, 31, 35, 39, §776; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.58]  
89 Acts, ch 136, §41; 97 Acts, ch 170, §45; 2018 Acts, ch 1041, §127; 2019 Acts, ch 59, §22;  
2020 Acts, ch 1063, §33; 2021 Acts, ch 147, §30, 54

Referred to in §43.79

2021 amendment to subsection 1 effective January 1, 2022; 2021 Acts, ch 147, §54

Subsection 1 amended